has never let me forget that one of his final actions as Secretary was to send to Congress proposed legislation to accomplish that goal.

And, as Chairman RAHALL has reminded us all, my father, Representative Morris K. Udall, recognized the need for legislation such as the bill before us today. As chairman of what was then the Committee on Interior and Insular Affairs, he also accomplished a great deal, but he did not live to see that need fulfilled through its enactment.

So, I consider myself very fortunate to have the opportunity to join in supporting this bill and, by so doing, helping to accomplish what both my father and uncle recognized as a long-overdue step to provide the American people—owners of the Federal lands—with a fair return for development of ''hardrock'' minerals and to establish a better balance between the development of those minerals and the other uses of those lands.

Those are the purposes of this bill, and I think it is well designed to accomplish them.

Its enactment will replace the mining law of 1872 with a new statutory framework for the development of hardrock minerals on Federal lands.

Perhaps most notably, it will impose a royalty on gross income from hardrock mining on Federal land. Under current law, those who mine gold, silver, platinum, or other hardrock minerals from those lands pay no royalties at all—unlike those who extract oil, natural gas, or other minerals covered by the Mineral Leasing Act.

The royalty rate would be 8 percent of ''net smelter return'' for new mines and mine expansions, and a 4 percent net smelter rerun for production from existing mines. Those royalties, to the extent they exceed the costs of administering the new law, would go into a special fund in the Treasury and, along with certain administrative fees, would be available, subject to appropriation, to support reclamation programs and to provide assistance to State, local, and tribal governments.

I consider the establishment of this ''abandoned hardrock mine reclamation fund'' one of the most important features of the bill.

It is very important for Colorado because while mining brought many benefits to our State, it has also left us with too many worked-out and abandoned mines. Some of them are mere open pits or shafts that endanger hunters, hikers, or other visitors. And too many are the source of pollution that contaminates the nearby land and nearby streams or other bodies of water, and so are threats to public health as well as to the ranchers and farmers who depend on water to make a living and the fish and wildlife for whom it is life itself.

In fact, I have seen credible estimates indicating that the Western States have as many as 500,000 abandoned hardrock mines, and that just in Colorado there are over 20,000 old mines, shafts, and exploration holes.

In short, Mr. Chairman, there is an urgent need to clean up and reclaim these abandoned mines. But there are two major obstacles to progress toward that goal.

One is a lack of funds for cleaning up sites for which no private person or entity can be held liable. The reclamation fund established by this bill will be a major step toward remedying that problem.

The other obstacle is the fact that while many people would like to undertake the work of cleaning up abandoned mines, these would-be ''good Samaritans'' are deterred because they fear that under the Clean Water Act or other current law someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place.

Because that obstacle is not addressed by this bill, I have introduced a separate measure—H.R. 4011—that does address it. That bill, similar to ones I introduced in the 107th, 108th and 109th Congresses, reflects valuable input from representatives of the Western Governors' Association and other interested parties, including staff of the Transportation and Infrastructure Committee and the Environmental Protection Agency. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines. It is cosponsored by our colleague from New Mexico, Representative PEARCE, whose help I greatly appreciate, and I will be seeking to have it considered as soon as practicable.

Another important aspect of the bill before us is the way it would modify the administrative and judicial procedures related to mining activities, including establishing a means for local governments to petition for withdrawal of Federal land from the staking of new mining claims.

That will enable local governments all over Colorado to have a much greater voice regarding activities that could have the potential to cause problems for their residents and for them to seek protection for such resources and values as watersheds and drinking water supplies, wildlife habitats, cultural or historic resources, scenic areas. In addition, Indian tribes will be able to seek protections for religious and cultural values.

I recognize that not everyone supports the bill as it stands. The Colorado Mining Association has informed me that while its members support reforming the 1872 mining law, they think the royalty rate that the bill would apply to new production is too high, and that they consider application of even a lower rate to existing production is unfair. I respect their views—although I don't think it is accurate to describe the royalty on existing production as ''retroactive,'' because it will not apply to any production occurring prior to the bill's enactment—and I am ready to consider supporting changes in the royalty rates as the legislative process continues.

In conclusion, Mr. Chairman, this is a good bill, one that deserves our support. In the words of a recent editorial in the Daily Sentinel newspaper of Grand Junction, CO, it is ''long-overdue and much-needed legislation.'' I urge its passage, and for the benefit of all our colleagues I attach the complete text of the Daily Sentinel's editorial.

[From the (Grand Junction, CO) Daily Sentinel, Oct. 18, 2007]

ARCHAIC MINING LAW NEEDS 21ST-CENTURY UPDATE

The mining industry that transformed huge swaths of western Colorado's landscape in the latter part of the 19th century was given a considerable boost by the 1872 Mining Law. And that legal antique continues to transform public lands in the state today.

However, long-overdue and much-needed legislation to finally reform the 135-year-old law is to be marked up in the House Natural Resources Committee today.

The mining legislation signed into law by President Ulysses S. Grant was adopted when most Americans enthusiastically supported both the development of the largely unpopulated West by white settlers and full exploitation of its natural resources. Along with laws such as the Homestead Act and the Timber and Stone Act, the 1872 Mining Law helped drive that effort.

Over time, however, public-lands laws passed in the late 19th century have been eliminated or superseded. Only the 1872 Mining Law remains in largely its original form, allowing companies and individuals to stake mining claims on federal lands and eventually purchase those lands for as little as $5 an acre.

In Colorado since 1980, 17 companies and 40 individuals have obtained mineral rights and deeds to more than 84,000 acres of once-public land under the 1872 law, according to a study by the Environmental Working Group. Four more applications are pending to acquire deeds to mining claims in Colorado.

Moreover, unlike companies that lease the rights to recover coal, oil and gas from public lands, those who obtain gold, silver and other precious metals under the 1872 law contribute nothing to the federal treasury through leasing or royalty payments. And because there were no environmental requirements in the law, U.S. taxpayers are footing the bill to clean up thousands of old mine sites around the West.

The legislation before the committee would end the practice of selling federal lands for hard-rock mining. People could lease lands for mining—as they do with coal, oil and gas—but they could not gain ownership of them, often for a tiny fraction of their current value.

Additionally, the bill to reform the 1872 Mining Law would establish an 8 percent royalty for new mines. It would improve environmental rules, create reclamation bonding requirements for mines and give federal land managers more authority to balance hard-rock mining with other public-lands activity. Not surprisingly, industry lobbyists are trying to water it down.

Western Colorado's two House members, Mark Udall and John Salazar, support the bill. Others should, too. It's long past time this 19th century relic was revamped to reflect the new realities of the 21st century.

Mr. DEFAZIO. Mr. Chairman, I rise today to speak in favor of H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, introduced by my good friend, Chairman RAHALL. In 1991, I introduced the Mining Law Reform Act of 1991, which was very similar to the legislation that we are considering today. The following year, I introduced an amendment to another mining reform bill—also introduced by Chairman RAHALL—that would have put a 12.5 percent royalty on hardrock minerals mined on Federal public lands. It is beyond belief that for the past 135 years, the law has allowed these minerals to be extracted with no royalty paid to the American people, unlike the royalties paid by oil, gas, and coal developers.

So, I am very familiar with the issues involved in hardrock mining and the efforts to reform the antiquated 1872 mining law.

Unfortunately, none of these previous measures became law. Today, however, we have a real chance at mining reform. I am glad for that.

H.R. 2262 is a vast improvement over the 1872 mining law that currently guides mineral development on our public lands. Still, it could be improved further.

In the markup of this bill held by the Natural Resources Committee, I offered an amendment that would have clarified that the royalty